IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.365 OF 2005

Seal Jet India Pvt.Ltd. .. Petitioner
V/s
Union of India & Ors. .. Respondents

Mr.J.P.Cama with Mr.K.P.Anilkumar for the Petitioner.
Mr.S.S.Pakale with Mr.A.S.Rao for the Respondents.

CORAM: S.RADHAKRISHNAN &
J.P.DEVADHAR, JJ.

DATE : 03.02.2005.

P.C.:

1. Rule. Rule is made returnable forthwith. The learned Counsel for the Respondents waives service. By consent taken up for hearing. Heard the learned Counsel for the parties.

2. It appears that the Petitioner had approached CESTAT challenging the order dated 31st March, 2004 passed by the Commissioner of Central Excise. The CESTAT by its order dated 30.9.2004 had directed the Petitioner to make a pre-deposit of Rs.50 lakhs out of total duty demand of Rs.75 lakhs. The Petitioner had deposited a sum Rs.10 lakhs and sought waiver of the balance amount. The CESTAT by its order dated 8th December, 2004 has declined to exercise its discretion to waive the pre-deposit of the balance amount on the ground that the Petitioner’s plea of hardship was not substantiated by the Balance Sheet of the Petitioner Company.

3. Mr.Cama, the learned Counsel for the Petitioner has produced before us the Balance Sheet of the Petitioner Company which indicates that for the year 2003-2004 the total turnover of the Company was Rs.127.13 lakhs and the profit after tax was Rs.17.61 lakhs. Under these circumstances, the learned Counsel for the Petitioner has pointed out that it is a fit case wherein the amount of pre-deposit ought to have been reduced.

4. Having regard to the facts and circumstances of the case, especially in view of the fact that the profit after tax of the Petitioner Company for the year 2003-2004 is only Rs.17.61 lakhs, we are inclined to direct the Petitioner Company to deposit a further sum of Rs.20 lakhs in addition to Rs.10 lakhs already deposited. The Petitioner Company to deposit the aforesaid sum of Rs.20 lakhs on or before 15th March, 2005. The CESTAT is directed to dispose of the Appeal filed by the Petitioner, as expeditiously as possible.

5. Rule is made absolute in the above terms. Petition stands disposed of.

(S.RADHAKRISHNAN,J.)

(J.P.DEVADHAR,J.)